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OFFICE OF PETITIONS

In re Application of
Ruth E. Leibig, et. al.
Application No. 10/698,670
Filed: October 31, 2003
Attorney Docket No. 2003P12088US

: : : : : ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on October 8, 2008, to revive the above-identified application.

The application became abandoned for failure to timely file a proper response to the final Office action mailed March 6, 2007. A Notice of Abandonment was mailed on September 3, 2008.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 with the \$810 filing fee and an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived for consideration of the RCE filed on October 8, 2008.

The application file is being referred to Technology Center Art Unit 3737, for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions